

15MOR568

STATE OF WISCONSIN

MADISON MUNICIPAL COURT

DANE COUNTY

CITY OF MADISON,
Plaintiff

v.

SUMMONS

ORIGINAL

UBER TECHNOLOGIES, INC.

A Delaware Corporation

c/o: Travis Kalanick, CEO

[REDACTED]

[REDACTED]

Defendant(s).

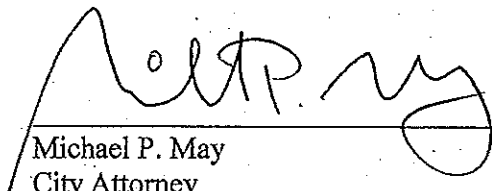
d/o/b _____ Race _____ Sex _____
Hgt. _____ Wgt. _____ Hair color _____
Eye color _____

FILED

JAN 22 2015

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR AS STATED BELOW
TO ANSWER THE ATTACHED COMPLAINT:

DATE & TIME: MONDAY, FEBRUARY 16, 2015 AT 10:00 AM

PLACE: Madison Municipal Court
210 Martin Luther King, Jr. Blvd., Room 201
Madison, WI 53703**FAILURE TO APPEAR MAY RESULT IN A JUDGMENT BEING RENDERED AGAINST
YOU ACCORDING TO THE DEMAND OF THE COMPLAINT, OR THE COURT MAY ISSUE
A WARRANT FOR YOUR ARREST.**Dated 21 JANUARY, 2015
Michael P. May
City Attorney
State Bar No.: 111610AFFIDAVIT OF SERVICE☐ Served Personally
TRAVIS KALANICK☐ Attempted☐ Not Found☐ Substitute service, by leaving with: _____

At: _____

Date: _____

By: _____ Service Case No. _____

Call 266-4511 if you have questions.

If you require the assistance of auxiliary aids or services because of a disability, call 266-4511
(TDD 267-8664) to make the appropriate arrangements.

STATE OF WISCONSIN

MADISON MUNICIPAL COURT

DANE COUNTY

CITY OF MADISON,
Plaintiff

v.

SUMMONS

 ORIGINAL

UBER TECHNOLOGIES, INC.

A Delaware Corporation

c/o: Legal Division
[REDACTED]
[REDACTED]

Defendant(s).

d/o/b _____ Race _____ Sex _____
Hgt. _____ Wgt. _____ Hair color _____
Eye color _____

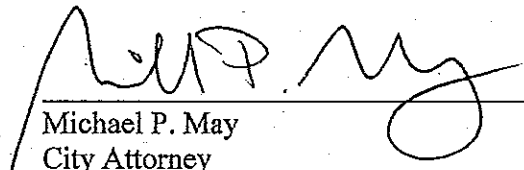
YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR AS STATED BELOW
TO ANSWER THE ATTACHED COMPLAINT:

DATE & TIME: MONDAY, FEBRUARY 16, 2015 AT 10:00 AM

PLACE: Madison Municipal Court
210 Martin Luther King, Jr. Blvd., Room 201
Madison, WI 53703

**FAILURE TO APPEAR MAY RESULT IN A JUDGMENT BEING RENDERED AGAINST
YOU ACCORDING TO THE DEMAND OF THE COMPLAINT, OR THE COURT MAY ISSUE
A WARRANT FOR YOUR ARREST.**

Dated 21 JAN, 2015


Michael P. May
City Attorney
State Bar No.: 111610

AFFIDAVIT OF SERVICE

☐ Served Personally

☐ Substitute service, by leaving with: _____

☐ Attempted

At: _____

☐ Not Found

Date: _____

By: _____ Service Case No. _____

Call 266-4511 if you have questions.

If you require the assistance of auxiliary aids or services because of a disability, call 266-4511
(TDD 267-8664) to make the appropriate arrangements.

STATE OF WISCONSIN

MADISON MUNICIPAL COURT

DANE COUNTY

CITY OF MADISON,
Plaintiff,

COMPLAINT

v.

Case No. _____

UBER TECHNOLOGIES, INC.
c/o: Legal Division
[REDACTED]
[REDACTED]

UBER TECHNOLOGIES, INC.
c/o: Travis Kalanick, CEO
[REDACTED]
[REDACTED]

Defendant.

The City of Madison, by its attorney, Michael P. May, City of Madison City Attorney, alleges as and for a complaint in this action as follows: On the dates indicated herein, at the City of Madison, the defendant, contrary to the cited sections of the Madison General Ordinances (MGO):

1. Uber Technologies Inc. (Uber) is a Delaware corporation with its principal offices at [REDACTED]. Rasier, LLC., is a wholly owned subsidiary of Uber and is registered to do business in Wisconsin. Rasier has an authorized agent in Wisconsin of National Registered Agents, Inc., [REDACTED]. Uber maintains an office in Madison at [REDACTED].
2. Beginning in March or April, 2014, and continuing up to the date of this complaint, Uber has been engaged in "the business of transporting passengers for hire" in Madison in violation of portions of sec. 11.06, MGO. Specifically, Uber has, by employing its public transportation model in Madison and engaging agents to carry out that model, violated the following ordinances:
 - a) It has "engage[d] in the business of transporting passengers for hire" without having obtained the license required by sec. 11.06(2), MGO.
 - b) It has "engage[d] in the business of transporting passengers for hire" without paying the license fees required by 11.06(4)(a), MGO, and without filing the application required by 11.06(4)(b), MGO.

The Nature of the Uber Public Transportation Model

3. Uber has developed a new model to provide transportation for passengers for a fee. Uber has created an application for smart phones (the Uber App) that allows members of the public (the Passenger) to search for automobiles offering to provide transportation for a fee. The Passenger must apply to use the Uber App, and must make a credit card available to pay the fee for the transportation provided.

4. Persons wishing to drive under the Uber model (the Uber Drivers) must sign a contract with Uber and rent or otherwise obtain from Uber a special smartphone that also uses the Uber App. No person may operate an automobile for Uber without signing the agreement. The Uber Drivers who are available to provide transportation for a fee may be contacted by the Passenger and then provides a ride to the Passenger. Upon conclusion of the ride, the Passenger's credit card is charged.
5. When an Uber Driver is available for service, an icon of an automobile appears on the Uber App viewable to the Passenger. When a Passenger requests a ride, the location of the request also appears on the Uber App. When a Passenger engages an Uber Driver, the icon of the automobile disappears from the screen. The Uber App also includes Uber's name, identifying the company offering to provide transportation for hire.
6. Based on the Uber transportation model, the appearance of automobile icon and an address requesting services on the Uber App demonstrates that Uber, through its agreements with its Uber Drivers, is "engage[d] in the business of transporting passengers for hire."
7. Uber has not obtained the license under sec. 11.06(2), MGO.
8. Uber has not paid the fees or filed the application under 11.06(4)(a), MGO, or 11.06(4)(b), MGO.

Specific Counts

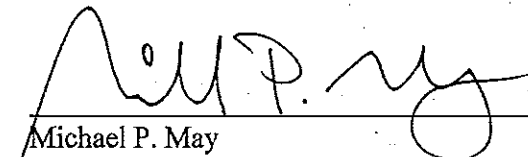
9. FIRST THROUGH FIFTEENTH COUNTS: City employee Keith Pollock observed the Uber App showing automobile icons and requests for service on the following five dates: July 15, 2014, July 18, 2014, July 23, 2014, July 25, 2014, and August 5, 2014. Each such instance is a violation of secs. 11.06(2), MGO, 11.06(4)(a), MGO, and 11.06(4)(b), MGO.
10. SIXTEENTH THROUGH THIRTY-NINTH COUNTS: Justin LaPlante is a driver for a licensed taxicab company in Madison. Mr. LaPlante observed the Uber App showing automobile icons and requests for service on the following dates: September 3, 4, 5, 6, 7, 8, 9, 10, 2014. Each such instance is a violation of secs. 11.06(2), MGO, 11.06(4)(a), MGO, and 11.06(4)(b), MGO.
11. FORTIETH COUNT: On April 8, 2014, Madison Police Officer Brian Sheehy and Officer Michael Beatty cited Michael S. Jessen for violations of sec. 11.06, MGO. Michael Jessen was working as an Uber Driver using the Uber App at that time. This is a violation of sec. 11.06(2), 11.06(4)(a) and 11.06(4)(b), MGO.
12. FORTY-FIRST COUNT: ON May 24, 2014, Madison Police Officer Nate Becker cited Emanuel Clay for violations of sec. 11.06, MGO. Emanuel Clay was working as an Uber driver and using the Uber App at that time. This is a violation of sec. 11.06(2), 11.06(4)(a), and 11.06(4)(b), MGO.
13. FORTY-SECOND COUNT: ON August 1, 2014, Madison Police Officer Marine Yoo and Christopher Frank cited Nestor Gbedey for violations of sec. 11.06, MGO. Nestor Gbedey was working as an Uber Driver using the Uber App at that time. This is a violation of sec. 11.06(2), 11.06(4)(a) and 11.06(4)(b), MGO.
14. Each violation is subject to a forfeiture of \$100 -1000.

15. On July 1, 2014, the City Attorney advised Uber to bring itself into compliance with City of Madison ordinances, pursuant to the attached letter. Uber did not do so.

The forfeiture upon conviction for a violation of **Chapter 11** of the Madison General Ordinances, may be from \$100 to \$1,000 per count, per day; plus applicable costs including the penalty surcharge, jail surcharge, crime laboratories and drug law surcharge, any applicable consumer information surcharge, any applicable domestic abuse surcharge, and court costs under Sec. 814.65(1), Wis. Stats., and any such further relief as the plaintiff may request.

Wherefore, the City seeks a judgment of conviction on each of the above counts and a forfeiture from Uber of \$42,000.

Dated this 16 day of December, 2014.



Michael P. May
City Attorney
State Bar No.: 1011610
210 Dr. Martin Luther King Jr. Blvd. – Rm. 401
Madison, WI 53703

You may by mail, prior to the date of your appearance indicated on the Summons, enter a plea of not guilty by mailing such plea to the court address indicated on the Summons. Include the date of your court appearance, your name as it appears on the Summons and your mailing address. Your case will then be set for a pretrial conference. The court will send you a notice as to the date and time of your pretrial conference.

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

JANICE TOLIVER, being first duly sworn on oath, deposes and says that:

1. She is a Secretary in the Office of the City Attorney, City of Madison, Dane County, Wisconsin, and did on the 22nd day of January, 2015, at approximately 12:00 in the afternoon, place in envelopes addressed:

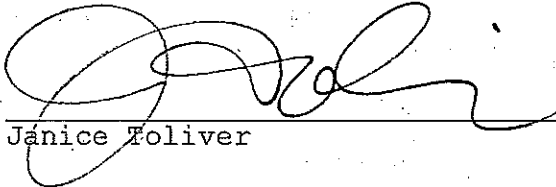
UBER TECHNOLOGIES, INC.	UBER TECHNOLOGIES, INC.
c/o: Travis Kalanick, CEO	c/o: Legal Division

a true and correct copy of the Summons and Complaint with an initial appearance date of MONDAY, FEBRUARY 16TH, 2015, attached hereto.

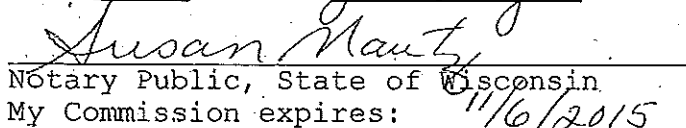
2. She did seal said envelope addressed as aforesaid and caused said envelope to have affixed thereto sufficient and adequate first class postage.

3. On or about said time she personally deposited the said envelope in a United States Post Office mail receptacle at 210 Martin Luther King, Jr. Blvd., in the City of Madison, Dane County, Wisconsin.

4. On December 16, 2014, the Summons and Complaints with an initial appearance date of MONDAY, JANUARY 12, 2015 AT 10:00 AM was sent postal mail, to the defendant's locations, and was not returned undeliverable/unable to forward.


Janice Toliver

Subscribed and sworn to before me
this 21st day of January, 2015.


Notary Public, State of Wisconsin
My Commission expires: 11/6/2015